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128

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,239	08/15/2005	Joshua Peter Mark Lowcock	026328-00008	7874
4372	7590	09/24/2007		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER WOO, STELLA L	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 09/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
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Office Action Summary

Application No.

10/531,239

Applicant(s)

LOWCOCK, JOSHUA PETER
MARK

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 2005/0138660 A1, hereinafter "Boyer") in view of Avila et al. (US 2003/0126216 A1, hereinafter "Avila").

Boyer discloses a broadcast television programme reminder system comprising a computer (web server 20; Figure 1) adapted to receive messages requesting a reminder regarding a television programme to be broadcast at a future time (user can order an e-mail reminder message; paragraphs 42-45, 50), said computer including first storage means (web server 20 stores reminder message information; paragraph 50), and said computer further including a message originating means (web server 20 generates and transmits the reminder message a predetermined time in advance of the future broadcast start time of the television programme; paragraphs 46, 50).

Boyer differs from claims 1 and 17 in that the communication does not take place using SMS messages with a mobile phone. However, Avila teaches requesting notification message to a portable device using SMS messaging as an alternative to email messaging (Abstract; paragraph 28) such that it would have been obvious to an

Art Unit: 2614

artisan of ordinary skill to incorporate such SMS messaging so that mobile users can request and receive text reminder messages.

Regarding claims 6-8, the examiner takes Official Notice that the various billing options are old and well known in the telephony art such that it would have been obvious to an artisan to incorporate such billing options within the combination of Boyer and Avila in order to provide flexibility as to how the communication charges are paid.

Regarding claims 9-11, Boyer teaches attaching or including an advertisement 620 to the reminder message (paragraph 51). The advertisement can be based on information stored in computer system 19.

Regarding claim 12, the reminder can be sent each time the program is broadcast this week, month, etc. (see box 424 in Figure 3; paragraphs 45, 48).

Regarding claim 13, note user preference profile page (paragraph 70).

Regarding claim 14, the user preference data can be used by the system for any desired purpose.

Regarding claims 15, 18, in Avila, the message can be converted to speech and transmitted to a conventional telephone (paragraphs 10, 14, 24).

3. Claims 2-4 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Boyer and Avila, as applied to claim 1 above, and further in view of Davidsson (US 2003/0086694 A1).

The combination of Boyer and Avila differs from claims 2-3 in that it does not teach using a G-code to identify the television programme. However, Davidsson teaches the well known use of a G-code to identify a TV program (paragraphs 4, 11, 27)

Art Unit: 2614


such that it would have been obvious to incorporate the well known use of a G-code, as taught by Davidsson, within the combination of Boyer and Avila as a convenient method of identifying a television program when requesting a reminder message using a mobile phone.

Regarding claim 4, the requested television program can be considered as demographic data in that it indicates the type of programming preferred by the user.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STELLA WOO
PRIMARY EXAMINER